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Voluntary _ Public

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India

Post: New Delhi

Timeline on license and registration by FBOs gets an extension

Report Categories:

Policy and Program Announcements

FAIRS Subject Report

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

The Government of India's (GOI) Food Safety and Standards Authority of India (FSSAI) extended its deadline requiring all local food service, food processors, food importers, and related establishments covered under Schedule 1 of the Food Safety and Standards (Licensing and Registration) Regulations, 2011 to obtain food business operators' (FBO) licenses. The new deadline for the FBO licenses is August 4, 2015.

Executive Summary:

FSSAI issued a fifth consecutive extension for an impending regulation requiring all Indian food oriented businesses, as per Schedule I of the Food Safety and Standards (Licensing and Registration) Regulations, 2011, to obtain FBO licenses. The previous deadline was February 4, 2015, and the recent extension postpones the deadline by an additional six months to August 4, 2015. The list of food businesses regulated under Schedule 1 of the Food Safety and Standards (Licensing and Registration) Regulations, 2011, are noted below. For any food business not covered under Schedule 1, other licenses or registrations may be required by local or state authorities.

General Information:

DISCLAIMER: The information contained in this report was retrieved from FSSAI's website <http://www.fssai.gov.in/>. The Office of Agricultural Affairs and/or the U.S. Government makes no claim of accuracy or authenticity.

According to media reports, most FBOs have not applied for the license and a significant percentage of them remain unaware of the requirement to apply for FBO the license under the Food Safety and Standards Act, 2006, and the Food Safety and Standards Regulations (Licensing and Registration) 2011. Despite the extension, some from India's burgeoning food service and processing industries have noted that FSSAI could more proactively address the issue of FBO licensure during its current review of the Food Safety and Standards Act, 2006, and take appropriate steps to revise the requirements. Moreover, media reports suggest that FSSAI has been slow in issuing licenses for those businesses which have already applied. Some media reports cite that as of December 24, 2014, only about 546,000 licenses have been issued out of about 2.36 million applicants. FSSAI's order is attached at the end of this report and is also available on FSSAI's website: <http://www.fssai.gov.in/>.

Other applicable GAIN reports, as well as the aforementioned list of food business covered under Schedule 1 are provided below:

IN4004	FSSAI extends the timeline to obtain license by six months
IN3135	FSSAI sets final deadline date to obtain license
IN3009	Extension of time period for renewal of licenses and registration
IN2134	FSSAI sets deadline for license applications
IN2104	FSSAI Extends Time Period on Renewal of Licenses and Registration
IN2004	FSSAI Launches an Online Licensing and Food Import Clearance System

Schedule 1: List of food business falling under the purview of Central Licensing Authority

1. Dairy units including milk chilling units equipped to handle or process more than 50,000 liters of liquid milk/day or 2500 MT of milk solid per annum.
2. Vegetable oil processing units and units producing vegetable oil by the process of solvent extraction and refineries including oil expeller units having installed capacity more than 2 MT per day.
3. All slaughter houses equipped to slaughter more than 50 large animals or 150 or more small animals

including sheep and goats or 1000 or more birds per day.

4. Meat processing units equipped to handle or process more than 500 kg of meat per day or 150 MT per annum.

5. All food processing units other than mentioned under (I) to (IV) including relabellers and repackers having installed capacity more than 2 MT/day except grains, cereals and pulses milling units.

6. 100 % Export Oriented Units.

7. All Importers importing food items including food ingredients and additives for commercial use.

8. All food business operators manufacturing any article of food containing ingredients or substances or using technologies or processes or combination thereof whose safety has not been established through these regulations or which do not have a history of safe use or food containing ingredients which are being introduced for the first time into the country.

9. Food Business Operator operating in two or more states.

10. Food catering services in establishments and units under Central government Agencies like Railways, Air and airport, Seaport, Defence, etc.

File No. 1/1/Enf-1/FSSAI/2012(Pt.)
Food Safety and Standards Authority of India
(Enforcement Division)
Ministry of Health and Family Welfare
FDA Bhawan, Kotla Road, New Delhi – 110002

The 4th February, 2015

ORDER


Subject: Extension of time for food business operators to obtain licenses/ registration under the Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011 upto 4th August, 2015.

1. WHEREAS section 31 (1) of Food Safety and Standards Act, 2006 provides that no person shall commence or carry on any food business except under a license.
2. WHEREAS Regulation 2.1.2 of Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011, inter-alia, envisages that subject to Regulation 2.1.1, no person shall commence any food business unless he possesses a valid license, provided that any person or Food Business Operator carrying on food business on the date of notification of these Regulations, under a license, registration or permission, as the case may be, under the Acts or Orders mentioned in the Second Schedule of the Act shall get their existing license converted into the license/ registration under these regulations by making an application to the Licensing/ Registering Authority, within one year from the date of commencement of these regulations. Further, any food business operator holding Registration/ License under any other Act/ Order, as specified under the Second Schedule of the FSS Act, 2006 with no specific validity or expiry date, and otherwise entitled to obtain a license under these regulations, shall have to apply and obtain a Registration/ License under these Regulations within one year from the date of commencement of these regulations by paying the applicable fees.
3. WHEREAS having regard to the representations from various stakeholders including individuals, FBOs and various associations seeking extension of time-line for Registration and Licensing as per Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011, the time-line mentioned in sub-regulation 2.1.2 was first extended for six months upto 4.8.2012 and then for another 12 months i.e upto 4.2.2014 and thereafter upto 4.8.2014 and last time up to 4.2.2015. As a result, the time-line of 'one year' got modified to a period of '36 months' as notified in the Extraordinary Gazette of Government of India vide notification no. 2-15015/30/2012 dated 10.06.2014.
4. WHEREAS a number of representations have been received in the Ministry for extending the time for obtaining the license and registration for further one year from 4.2.2015.

5. WHEREAS having regard to the present status of licensing/ registration in the country and the representations received from various stakeholders, it has been decided by the Central Government that the time line mentioned in sub-regulation 2.1.2 of Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011, be further extended for another six months i.e. upto 04.08.2015.


6. AND WHEREAS the Central Government has directed the Food Safety and Standards Authority of India to extend the time-line mentioned in sub-regulation 2.1.2 of Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011 for a further period of six months up to 4.8.2015 in terms of section 85 of the Food Safety and Standards Act, 2006 (34 of 2006) vide its order bearing No. P-15025/13/2011-DFQC dated 4th February 2015.

7. Accordingly, the time-line for obtaining license/registration in terms of regulation 2.1.2 of the Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011 is hereby extended for a further period of six months i.e. up to 4.8.2015.


Bimal K. Dubey 4/2/15
Director (Enforcement)

Copy to:

The Joint Secretary to Govt. of India (Mr. K. L. Sharma), MoHFW, for his kind information in compliance of the Government Order bearing No. No. P-15025/ 13/ 2011-DFQC dated 4th February 2015.


(Bimal K. Dubey) 4/2/15
Director (Enforcement)

To

1. All Food Safety Commissioners of States/ UTs
2. All Central Licensing Authority
3. PS to CEO
4. All Directors, FSSAI
5. Scientist (Standard)
6. FSSAI Website for immediate Publication
7. Guard File, Enforcement Division